

Spagnoletti & Co.

ATTORNEYS AT LAW

401 LOUISIANA STREET, 8TH FLOOR
HOUSTON, TEXAS 77002

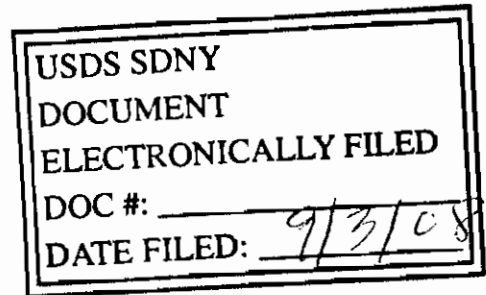
TELEPHONE (713) 653-5600
DAVID S. TOY
Licensed in CA • TX • NY

FAX (713) 653-5656
DIRECT DIAL 713-653-5610
dtoy@spaglaw.com

August 29, 2008

VIA FACSIMILE TO 212 805 7901

Hon. Harold Baer, Jr.
United States District Judge
United States Courthouse
500 Pearl Street
Chambers 2230
New York, NY 10007



RE: *Commercial Metals Company v. MV Tern, et al.*
ECF Case No.: 08 CIV 5991

Dear Judge Baer:

Along with the firm of Fein & Jakab of New York, New York, we are counsel for Plaintiff Commercial Metals Company in the referenced action involving claims for marine cargo damage.

The defendants in this action are located in New York and South Korea. Accordingly, process must be served on the South Korean defendant through the Central Authority of that nation pursuant to the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (the "Hague Convention"). Following a period of settlement negotiations which did not yield a resolution, our office is initiating service on the defendants, including the South Korean defendant through the Hague Convention methods. The Summons, Complaint and other documents to be served, together with certified translations thereof, are being prepared for forwarding to the National Court Administration in Seoul, South Korea.

Plaintiff therefore respectfully requests an adjournment of the Initial Conference date, currently scheduled for September 4, 2008, at 2:45 PM before your Honor. No prior adjournments have been requested. Our experience is that the South Korean Authorities can be quite overburdened and therefore back-logged in effecting service of process and therefore suggest a 120-day adjournment of the Initial Conference.

In tandem with the adjournment request, and for the same reasons, Plaintiff also respectfully requests an enlargement of time within which to complete service of process in this

Hon. Harold Baer, Jr.
August 29, 2008
Page 2

matter as to the South Korean defendant only. Similarly, a 120-day enlargement period is requested as to the South Korean defendant only.

If there is anything else the Court requires in connection with these applications, kindly contact the undersigned.

Respectfully,

SPAGNOLETTI & CO.

David S. Toy

DST:njh

Attachment (current copy of docket report)

cc: Peter Jakab
Fein & Jakab

I realize this is a Hague Convention case but there was no reason not to start the process immediately & if it didn't settle your lawyer would have been on ahead I will adjourn to Nov 20 at 2:00 & move forward along with it, haven't

SO ORDERED:
Harold Baer, Jr.
Harold Baer, Jr., U.S.D.J.
9/2/08

Endorsement:

I realize this is a Hague Convention case but there was no reason not to start the process immediately and if it didn't settle you would have been far ahead. I will adjourn to November 20 at 2:00 P.M. and may dismiss if it hasn't moved along.